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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of  
GOLDEN CORNERS BROADCASTING, INC.  
(hereafter "GCBI")  
FISHER COMMUNICATIONS OF  
CLEMSON, INC.  
(hereafter "Fisher")  
CLEMSON BROADCASTING, INC.  
(hereafter "CBI")  
For Construction Permit  
for a New FM Station  
on Channel 285A (104.9 MHz)  
in Clemson, South Carolina

MM Docket No. 92-50  
File No. BPH-901218MH  
File No. BPH-901219MB  
File No. BPH-901219MD

TO: The Honorable Walter C. Miller  
Administrative Law Judge

**COMMENTS OF GOLDEN CORNERS BROADCASTING, INC.**

Golden Corners Broadcasting, Inc., by counsel, pursuant to the Memorandum Opinion and Order of the Presiding Officer (rel. June 9, 1992), hereby submits its Comments, as requested therein, regarding the effect of the existence of outstanding character issues pending against a cellular partnership in which Becky Jo Clark, a party to the proposed settlement by merger in this proceeding, is a partner.

GCBI, first, wishes to establish for the record that its principals were unaware of the existence of these outstanding character issues against Becky Jo Clark. GCBI's principals neither currently have, nor have they ever had,

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any interests in cellular applications or licenses. Their only acquaintanceship with Ms. Clark was a paper one until some settlement discussions were held among the parties to this proceeding, shortly before these applications were designated for hearing. It did not occur to GCBI's principals to question Ms. Clark regarding such matters nor did Ms. Clark volunteer any information. A facsimile of a Declaration from GCBI's principals to this effect is attached hereto (to be supplemented with the original).

GCBI notes that the FCC Form 301 does not require disclosure of interests other than broadcast, newspaper, or cable interests. Nor does the information requested on misconduct appear to include the type of situation in which Ms. Clark is found. In any event, as the character issues were not designated until June 21, 1991, they would not have been relevant to the CBI application as originally filed.

GCBI believes, however, that the Presiding Officer has appropriately raised the issue of whether the issues designated in the cellular proceeding were reportable events under Section 1.65 of the Commission's Rules. This provision is not limited to maintaining the accuracy of applications; it also provides that, "whenever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless

good cause is shown, submit a statement furnishing such additional or corrected information as may be appropriate . . ." (emphasis added).

GCBI submits that the designation for hearing of a cellular partnership in which a party to the CBI application was also a party on issues with character implications is decisionally significant in this proceeding and should have been reported by CBI. The failure to report a decisionally significant matter raises the further issue of CBI's candor before the Commission.

GCBI therefore recognizes that the settlement agreement currently pending before the Presiding Officer in this proceeding is not grantable without the construction permit's being conditioned upon the outcome of the cellular proceeding to which Ms. Clark is a party. As a Commission licensee, however, CGBI is not prepared to go forward with the settlement agreement upon this basis.

Consequently, GCBI, CBI and Fisher have agreed to a reformation of the proposed settlement agreement as follows. CBI will dismiss its application in exchange for payment of the total sum of \$14,186.45 by GCBI.<sup>\*/</sup> Fisher will dismiss its application in exchange for payment by GCBI

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<sup>\*/</sup> GCBI relies upon the Commission's decision in Allegan County Broadcasters, Inc., 83 F.C.C.2d 371 (1980), for the proposition that an alleged wrongdoer may be paid its expenses in settlement of a comparative proceeding. If GCBI's reliance is in error and the reformed settlement agreement cannot be approved, GCBI will, of course, pursue its application in this proceeding.

of \$7,617.47, plus any additional legal expenses incurred in reviewing these additional documents in an amount not to exceed \$1,000.00, for a total sum of \$8,617.47 or expenses actually incurred, whichever is less.

In accordance with this reformation, the parties will be submitting shortly an amendment to their settlement agreement and petition for approval thereof. GCBI also has withdrawn from any participation in the merged applicant, Three Lakes Broadcasting, Inc., and seeks to withdraw the pending amendment substituting Three Lakes Broadcasting, Inc. for the application of GCBI. GCBI wishes to pursue its pending Motion to Delete the FAA Issue designated against it and its Request for Relief from Integration and Divestiture Pledge pursuant to approval of the reformed settlement agreement.

Respectfully submitted,

GOLDEN CORNERS BROADCASTING,  
INC.

By: 

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Its Counsel

June 19, 1992

#### DECLARATION

We, George W. Clement and Faye S. Clement, sole stockholders of Golden Corners Broadcasting, Inc., hereby declare as follows.

We knew nothing about Ms. Clark's participation in a cellular partnership until our FCC counsel advised us that the Judge had raised this issue. Although we have lived for some years in the same general community as Ms. Clark, we had no knowledge of nor acquaintanceship with her until this proceeding. Even then, we were only aware of her from the Clemson Broadcasting application until shortly before the applications were designated for hearing. All of the applicants participated in a couple of exploratory meetings regarding possible settlement of the comparative proceeding, and Ms. Clark was present at one by telephone and at another in person. At these meetings, the parties only discussed the possibilities of settlement. It never occurred to us to ask Ms. Clark about any other FCC applications or licenses in which she might have an interest nor did she volunteer any such information.

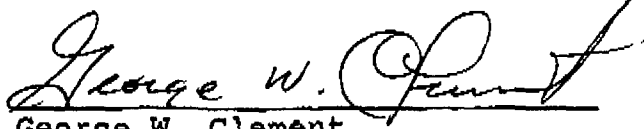
The only other occasions upon which we have had personal dealings with Ms. Clark was in incorporating the new corporation which was proposed as the merged applicant, Three Lakes Broadcasting, Inc. All other matters were handled by and through our respective counsel.


Although both of us have experience in broadcasting, neither of us have any experience with nor have we ever had

any interest in cellular applications, licenses, or proceedings. We would not have had any reason to be aware of these.

DECLARED under penalty of perjury this the 18<sup>th</sup> day of June, 1992.

GOLDEN CORNERS BROADCASTING, INC.

  
George W. Clement

  
Faye S. Clement

**CERTIFICATE OF SERVICE**

I, Angela P. Fitzgerald, a secretary with the law firm Venable, Baetjer, Howard & Civiletti, hereby certify that a copy of the foregoing Comments of Golden Corners Broadcasting, Inc. was served by U.S. Mail on the following, this the 19th day of June, 1992.

\*The Honorable Walter C. Miller  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Room 213  
Washington, D.C. 20554

\*Y. Paulette Laden  
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Angela P. Fitzgerald

\* by hand delivery